

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

TUAN TRAN AND THOMAS DESHAIES,

Plaintiffs,

v.

THE ROMAN CATHOLIC DIOCESE OF  
SPRINGFIELD, a corporation sole,

Defendant.

Civil Action No.: 05-30085-MAP

**ASSENTED TO MOTION PURSUANT TO FED. R. CIV. P. 60(b)(1) TO VACATE  
JUDGMENT AND RESTORE CASE TO THE TRIAL LIST**

Pursuant to FED. R. CIV. P. 60 (b)(1), the plaintiffs Tuan Tran and Thomas Deshaies (“Plaintiffs”) hereby request that this Court vacate the Judgment entered on June 23, 2005 granting the defendant’s Motion to Dismiss and restore this case to the trial list. This motion has been assented to in full by the defendant and is without opposition. In support of this motion, the plaintiffs state the following:

1. On May 27, 2005, the defendant filed its Motion to Dismiss, a copy of which was served on Plaintiffs’ counsel.
2. On June 3, 2005, Plaintiffs’ counsel conferred by telephone with counsel for the defendant and was granted an extension to respond to the Motion to Dismiss until July 1, 2005.
3. Signed confirmation of this extension was sent via letter to counsel for the defendant on June 3, 2005. See Exhibit A<sup>1</sup>.

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<sup>1</sup> Please note that, due to clerical error, the letter was incorrectly dated March 15, 2005.

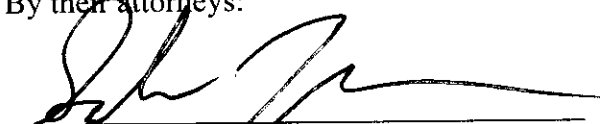
4. On June 23, 2005, judgment was entered by this Court granting the defendant's Motion to Dismiss because the Plaintiffs violated the local rules by failing to file a timely opposition.

5. After conferring, both parties agree that the judgment of this Court was reached due to a mistake of the parties in failing to notify the Court of the extension granted to the Plaintiffs to respond to the defendant's Motion to Dismiss until July 1, 2005.

WHEREFORE, the plaintiffs respectfully request that pursuant to FED. R. CIV. P. 60(b)(1), this Court vacate its judgment of June 23, 2005, and restore this case to the trial list.

**RESPECTFULLY SUBMITTED:**

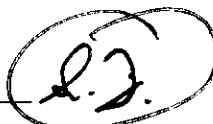
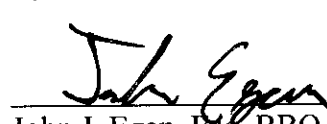
TUAN TRAN and  
THOMAS DESHAIES  
Plaintiffs,  
By their attorneys:



Robert A. Sherman, BBO #458520  
Salo L. Zelermyer, BBO #661228  
GREENBERG TRAURIG LLP  
One International Place, 20<sup>th</sup> Floor  
Boston, MA 02110  
(617) 310-6000  
(617) 310-6001 (fax)

**ASSENTED TO:**

THE ROMAN CATHOLIC DIOCESE OF SPRINGFIELD,  
A CORPORATION SOLE  
Defendant,  
By its attorneys:



John J. Egan, Esq. BBO #338110  
Edward J. McDonough, Jr., Esq., BBO #331590  
EGAN, FLANAGAN AND COHEN, P.C.  
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Springfield, MA 01102

(413) 737-0260

(413) 737-0121 (fax)

## EXHIBIT A

# Greenberg Traurig

Salo L. Zelermyer  
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Fax 617.310.6001  
ZelermyerS@gtlaw.com

March 15, 2005

## VIA OVERNIGHT MAIL

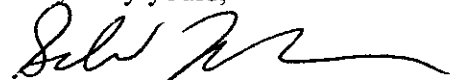
Edward J. McDonough, Jr. Esq.  
Egan, Flanagan and Cohen, P.C.  
67 Market Street – Post Office Box 9035  
Springfield, MA 01102  
Boston, Massachusetts 02108

Re: Tuan Tran and Thomas Deshaies v. The Roman Catholic Diocese of Springfield,  
Civil Action No.: 05-30085

Dear Mr. McDonough:

Pursuant to our discussion over the phone, this letter serves to confirm the extension granted for the plaintiffs to respond to Defendant's Motion to Dismiss by July 1, 2005. Thank you once again for your patience and understanding.

Very truly yours,



Salo L. Zelermyer

slz/tas

cc: David G. Thomas, Esq.

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AMSTERDAM  
ATLANTA  
BOCA RATON  
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